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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/657,888	09/09/2003	Alan Earl Swahn		2635

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EXAMINER	
WHIPPLE, BRIAN P	

ART UNIT	PAPER NUMBER
2452	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/657,888	SWAHN, ALAN EARL	
	Examiner	Art Unit	
	BRIAN P. WHIPPLE	2452	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 June 2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2,6-10,16,17,19,21-31 and 33* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2,6-10,16,17,19,21-31 and 33* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-2, 6-10, 16-17, 19, 21-31, and 33 are pending in this application and presented for examination.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/3/09 has been entered.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 9-10, 16-17, and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. As to claim 9, the meaning of the phrase "at least two additional fully functional and related webpages" is unclear to the Examiner. The claim states the webpages are additional, but not to what they are in addition.

6. As to claims 10, 16-17, and 19, the claims are rejected due to their dependency on, and inclusion of, the rejected subject matter of claim 9.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1-2, 6, 9-10, 16, 19, 22-24, 26, 29-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Gross et al. (Gross), U.S. Publication No. 2004/0143564 A1.

9. As to claim 1, Gross discloses a method for retrieving and viewing webpages in a single web browser instance operating on a user's computer (Fig. 3C; [0115] – [0116]; [0126]; [0167]), comprising the sequential steps of:

submitting, from said web browser, a search request to an Internet search engine located on the Internet ([0115]; [0116], ln. 1-4; [0167], ln. 5-7);

receiving a hyperlink list from said search engine, said hyperlink list having been automatically rank-ordered by said search engine, to form a queue of rank-ordered hyperlinks (Fig. 3C; [0080]; [0116]; [0124]);

automatically loading a plurality of webpages referred to by said queue of rank-ordered hyperlinks to form a rank-ordered queue of webpages stored on the user's computer ([0116], "results are pre-cached on the user's terminal…"; [0178], "the browser… automatically selects the first item in the search result list to be displayed in the content pane or area"); and

viewing said webpages in the single web browser instance ([0180]).

10. As to claim 2, Gross discloses said loading is accomplished by preloading a selectable number of webpages pointed to by a selectable number of hyperlinks in the queue of hyperlinks ([0080], "if the user requests… then only the higher ranked search results are displayed… only the top 20, 50, 100, 500, or 1000 search results may be displayed…"; [0116],

"the Web pages of the first twenty (or other predetermined quantity) listed search results can be pre-cached...").

11. As to claim 6, Gross discloses said loading is further accomplished by concurrently preloading a predetermined number of webpages pointed to by hyperlinks in the queue of hyperlinks ([0116], "the Web pages of the first twenty… or other predetermined quantity… listed search results can be pre-cached…"; [0178], ln. 4-8, "the pages or documents corresponding to the search result entries in the list pane are preloaded as soon as the list is received").

12. As to claim 9, Gross discloses a method of displaying webpages in a single web browser instance operating on a user's computer (Fig. 3C), including:

displaying a plurality of at least two additional fully functional and related webpages in a single web browser instance at the same time such that all of said at least two additional fully functional webpages are simultaneously visible to the user and may be operated on simultaneously, and where any of said at least two additional webpages may be operated on without altering the state of another of said at least two additional webpages (Fig. 3C; [0172] – [0173]; [0178]).

13. As to claim 10, the claim is rejected for reasons similar to claim 1 above.

14. As to claims 16 and 23-24, the claims are rejected for reasons similar to claim 2 above.

15. As to claim 19, Gross discloses selectively deleting webpages displayed or queued for display ([0106]).

16. As to claim 22, the claim is rejected for reasons similar to claims 1 and 9 above.

17. As to claim 26, the claim is rejected for reasons similar to claim 6 above.

18. As to claim 29, the claim is rejected for reasons similar to claim 19 above.

19. As to claim 30, the claim is rejected for reasons similar to claims 1 and 9 above.

Additionally, Gross discloses receiving a hyperlink list from each of said multiple Internet search engines ([0116], "one or more search engines… which perform searches in parallel..."); and

automatically forming a single queue of hyperlinks from all hyperlink lists received by aggregating or prioritizing hyperlinks from said hyperlink lists ([0116], "one or more

search engines… which perform searches in parallel... the search results are displayed in the list area").

20. As to claim 31, the claim is rejected for reasons similar to claim 9 above.

Claim Rejections - 35 USC § 103

21. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

22. Claims 7, 17, 21, 25, 27, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gross, in view of Berstis, U.S. Patent No. 6,182,122 B1.

23. As to claim 7, Gross discloses the invention substantially as in parent claim 1, but is silent on said loading is accomplished by determining the available network download bandwidth and preloading a number of webpages based on such available network download bandwidth.

However, Berstis discloses loading is accomplished by determining the available network download bandwidth and preloading a number of webpages based on such available network download bandwidth (Col. 10, ln. 18-47; Col. 11, ln. 16-26).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Gross in the aforementioned manner as taught by Berstis in order "to minimize transfer time both from the source and to individual users, and to require minimal resources at the server" (Berstis: Col. 2, ln. 52-54).

24. As to claim 21, Gross discloses the invention substantially as in parent claim 1, but is silent on selectively saving the queue of hyperlinks or a portion thereof as a group bookmark hyperlink list that may be loaded in a web browser at a later time.

However, Berstis discloses selectively saving a queue of hyperlinks or a portion thereof as a group bookmark hyperlink list that may be loaded in a web browser at a later time (Col. 7, ln. 8-28).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Gross in the aforementioned manner as taught by Berstis in order to bookmark frequently visited webpages, thus increasing ease of use by eliminating the need to remember and enter a web address repeatedly.

25. As to claims 17, 25, and 33, the claims are rejected for reasons similar to claim 21 above.

26. As to claim 27, the claim is rejected for reasons similar to claim 7 above.

27. Claims 8 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gross, in view of Berstis, and further in view of Martin et al. (Martin), U.S. Patent No. 5,867,706.

28. As to claim 8, Gross discloses the invention substantially as in parent claim 1, but is silent on said loading is accomplished by determining that the computer isn't saturated and preloading a predetermined number of webpages based on such non-saturation state.

However, Berstis discloses loading is accomplished by determining that the computer isn't saturated and preloading a predetermined number of webpages based on such non-saturation state (Col. 10, ln. 18-47).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Gross in the aforementioned manner as taught by Berstis in order "to minimize transfer time both from the source and to individual users, and to require minimal resources at the server" (Berstis: Col. 2, ln. 52-54).

Gross and Berstis are silent on determining if the computer processor(s) specifically are saturated.

However, Martin discloses determining if the computer processor(s) specifically are saturated (Col. 8, ln. 41-53).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Gross and Berstis by determining if computer processors are saturated as taught by Martin in order to avoid unacceptable response times (Martin: Col. 8, ln. 41-53).

29. As to claim 28, the claim is rejected for reasons similar to claim 8 above.

Conclusion

30. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See the Notice of References Cited (PTO-892).

31. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRIAN P. WHIPPLE whose telephone number is (571)270-1244. The examiner can normally be reached on Mon-Fri (11:30 AM to 6:00 PM EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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